

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CALVIN ANDRE ANDERSON,

Plaintiff,

v.

MIKE PRIEBE,

Defendant.

CASE NO. C23-871 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Fricke's Report and Recommendation (R&R), Dkt. 6, recommending that the Court deny pro se plaintiff Calvin Anderson's motion for leave to proceed in *forma pauperis*, Dkt. 1, decline to permit Anderson to amend his complaint a second time, and dismiss this case without prejudice. It concludes that Anderson has failed to state a plausible 42 U.S.C. § 1983 claim against his private employer, Mike Priebe, even after he filed a proposed amended complaint. Dkt. 6 at 3 (citing Dkt. 5). Anderson objects, stating that Priebe is "not immune" from his claim. Dkt. 7.

"The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or

1 modify the recommended disposition; receive further evidence; or return the matter to the  
2 magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). A party properly objects  
3 when the party files “specific written objections” to the report and recommendation as  
4 required under Federal Rule of Civil Procedure 72(b)(2).

5 “[I]n providing for a de novo determination . . . Congress intended to permit  
6 whatever reliance a district judge, in the exercise of sound judicial discretion, chose to  
7 place on a magistrate’s proposed findings and recommendations.” *United States v.*  
8 *Raddatz*, 447 U.S. 667, 676 (1980) (internal quotation marks omitted). Accordingly,  
9 when a district court adopts a magistrate judge’s recommendation, the district court is  
10 required to merely “indicate[] that it reviewed the record de novo, found no merit  
11 to . . . [the] objections, and summarily adopt[] the magistrate judge’s analysis in [the]  
12 report and recommendation.” *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023).  
13 In so doing, district courts are “not obligated to explicitly address [the] objections.” *Id.* at  
14 437.

15 The Court has considered the R&R and Anderson’s objections to it, and it agrees  
16 with the R&R. Therefore, the R&R is **ADOPTED**. Simpson’s application to proceed *in*  
17 *forma pauperis* is **DENIED**, and his complaint is **DISMISSED** without prejudice and  
18 without leave to further amend.

19 The Clerk shall enter a JUDGMENT and close the case.

20 IT IS SO ORDERED.

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1 Dated this 22nd day of September, 2023.

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4 BENJAMIN H. SETTLE  
5 United States District Judge  
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